

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SONOMEDICA, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08cv230
)	
SAILOR H. MOHLER)	
5410 Lightning View Road)	
Columbia, Maryland 21045)	
)	
And)	
)	
SAILOR C. MOHLER)	
4000 Wexford Drive)	
Kensington, Maryland 20985)	
)	
Defendants.)	

**PLAINTIFF'S MOTION TO SHOW CAUSE AGAINST
KERRY POINDEXTER FOR FAILURE TO COMPLY WITH SUBPOENA
DUCES TECUM AND FOR PERJURY DURING HIS DEPOSITION**

Plaintiff, SonoMedica, Inc., by counsel, hereby requests that the Court enter an Order requiring witness Kerry Poindexter to show cause why he should not be held in contempt for failing to comply with a lawfully served subpoena *duces tecum* and for committing perjury during his deposition in this matter as well as ordering Mr. Poindexter (1) to attend another deposition in this matter; (2) to bring with him to the deposition copies of the documents that were originally sought from Mr. Poindexter through a subpoena *duces tecum* properly served on him, and (3) to submit any computer in his possession, custody or control that he has worked on since October 1, 2007 to a forensic expert chosen by plaintiff, SonoMedica, for examination at Mr. Poindexter's

expense for documents sought by the subpoena *duces tecum*.

In support of this Motion Plaintiff files the attached Memorandum and Exhibits demonstrating that Kerry Poindexter had not complied with the subpoena *duces tecum* served upon him pursuant to Rule 45, nor has he testified truthfully at his deposition in this matter.

Respectfully submitted,

SonoMedica, Inc.
By Counsel

_____/s/_____
Michael S. Lieberman
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RULE 37 CERTIFICATION

I hereby certify that prior to filing this matter, I made a good faith effort to confer with Mr. Pritzker, counsel for Kerry Poindexter, to resolve this matter by telephone, facsimile, electronic mail and federal express, without receiving any responsive communication.

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August 2008, a true and accurate copy of the foregoing was sent via electronic mail using the court's CM/ECF system, which will send a notification of such filing (NEF) to the following:

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